

Notice of Allowability

Application No.

09/500,341

Applicant(s)

SUZUKI, TAKESHI

Examiner

Justin P Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 13 August 2004.
2. ☒ The allowed claim(s) is/are 3, 4, and 7 - 12 (now renumbered 1 - 8, respectively).
3. ☒ The drawings filed on 13 August 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this Examiner's Amendment was given in a telephone interview with **John C. Pokotylo on 14 September 2004.**
3. The application has been amended as follows:
 - o **Please cancel Claims 1, 5, 13, and 14.**

Drawings

4. The Examiner accepts the replacement sheet, which includes FIG. 1, attached to the Amendment filed on 13 August 2004.

Specification

5. The Examiner accepts the amendments to the specification made in the Amendment filed on 13 August 2004.

Allowable Subject Matter

6. **Claims 3, 4, and 7 – 12** (now renumbered 1 – 8, respectively) are allowed.

7. The following is an Examiner's statement of reasons for allowance:

For newly independent **Claims 3, 7, and 9**, while the prior art teaches of a power supply remainder judgment section to set a level necessary for executing an operation corresponding to a camera mode, that is selected by the mode select section, according to each of the plurality of modes and to judge whether a detected remainder of the power supply is equal to or larger than the set level, the prior art does not teach or fairly suggest setting the set level to different levels for each of the camera modes and, more specifically, including setting a level at a print mode lower than a level at a record mode, or setting a level at a starting to take a picture until a print operation is complete, at a direct print mode, no image capture, mode, respectively.

For previously independent **Claim 11**, while the prior art teaches a battery remainder evaluation section which compares a remainder of a battery loaded into the electronic camera with a predetermined judgment level and a sequence controller which controls a camera based on the comparison result, the prior art does not teach or fairly suggest wherein the sequence controller applies a different judgment level to the battery remainder evaluation section at the start of an operation of a print section and in a print operation.

Lastly, in regards to newly independent **Claims 1 and 13**, the Applicant stated that Claims 1 and 13 are patentable because the prior art (Sakaegi and McIntyre) "either taken alone, or in combination, neither teach, nor suggest, a camera with a print section having a luminescence section to expose a photosensitive form based on image information obtained by an electronic imaging section of the camera" nor "a built-in printer section including a diffusion transfer reversal process printer", respectively.

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Prior to this Examiner's Amendment, the Examiner brought to the attention of the Applicant, US Patent Nos. 5,835,809 (Stephenson et al.) and 5,946,031 (Douglas). The Stephenson et al. patent clearly discloses an electronic camera with a built-in printer section, which "includes photosensitive media which is adapted to be illuminated by the fluorescent light image from the liquid crystal display" and the Douglas patent clearly discloses an electronic camera with a built-in printer section using "instant film" otherwise known as "diffusion transfer photographic film". In conclusion, the Applicant agreed to cancel Claims 1 and 13 and their respective dependent Claims 5 and 14.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:30 PM and on alternating Fridays from 7:30 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

September 15, 2004


NGOC YENVU
PRIMARY EXAMINER